

REMARKS

Upon entry of the present amendment, claims 1-8 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, the addition of "tungsten sulfide" to claim 3 finds support in the original application at page 5, line 4.

Regarding newly added claims 7-8, these also find support in the original filed specification, for example, at page 4, line 23 to page 5, line 15. Support for claims 7-8 also occurs in original claims 1-6.

Based upon the above considerations, entry of the present amendment is respectfully requested as the amendment does not introduce new matter into the application as originally filed and at the same time helps to properly and distinctly set forth what Applicants regard as their inventive discovery.

Claim Rejections Under 35 USC § 112

Claims 1-6 have been rejected under 35 USC § 112, second paragraph. Reconsideration and withdrawal of this rejection is requested based on the following considerations.

First, claims 1 and 2 have been amended to recite proper Markush groupings. As amended, claims 1 and 2 particularly and

distinctly set forth the invention which Applicants regard as their own. The statute requires no more. Thus, reconsideration and withdrawal of the outstanding rejection under 35 USC § 112, second paragraph, is required at present.

Claim Rejections Under 35 USC § 102(b)/103(a)

Claims 1-6 have been rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as being obvious over Krabetz et al. (US 4,925,823).

Reconsideration and withdrawal of this rejection is requested based upon the following considerations.

In the instantly amended claims, elements used in the inventive oxidation catalyst compositions have been limited. In contrast to the present invention, the catalyst of Krabetz et al. requires Sb, and As or Cu, or both, also as essential elements, since "c" is more than zero (0) and "d + e" is more than zero (0), as disclosed at column 2, lines 6-20 of Krabetz et al. As such, it follows that the presently claimed invention is novel, and not anticipated by the disclosure of Krabetz et al.

Notably, the presently claimed compositions, which lack essential elements taught by Krabetz et al., are useful for the oxidation of olefin compounds. In contrast, the catalyst of Krabetz et al. are suitable for the oxidation of arolein to acrylic acid with oxygen as an oxidating agent.

Accordingly, based upon the above noted differences between the constituting elements of the disclosed catalyst of the present invention, and those of the cited art of Krabetz et al., as well as the different reactivities of the catalyst, it is apparent that those of ordinary skill in the art would never be motivated to arrive at the present invention as claimed when considering the teachings and disclosure of Krabetz et al.

Absent such motivation in the cited art to arrive at the present invention as claimed, it follows that the present invention is wholly unobvious over the cited art.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-8 are allowed and patentable under the provisions of Title 35 of the United States Code.

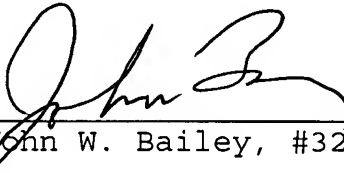
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By  _____
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